

# 1995 ANNUAL REPORT

## Citizen Police Complaint Commission City of Long Beach

Paul Self, Chair

Naomi Ferns, Vice chair

Ellen M. Martinez

Michael Pearce

Alan Tolkoff

Terry Rouch

Bryant Ben

John O. Atkinson

Mike Kowal

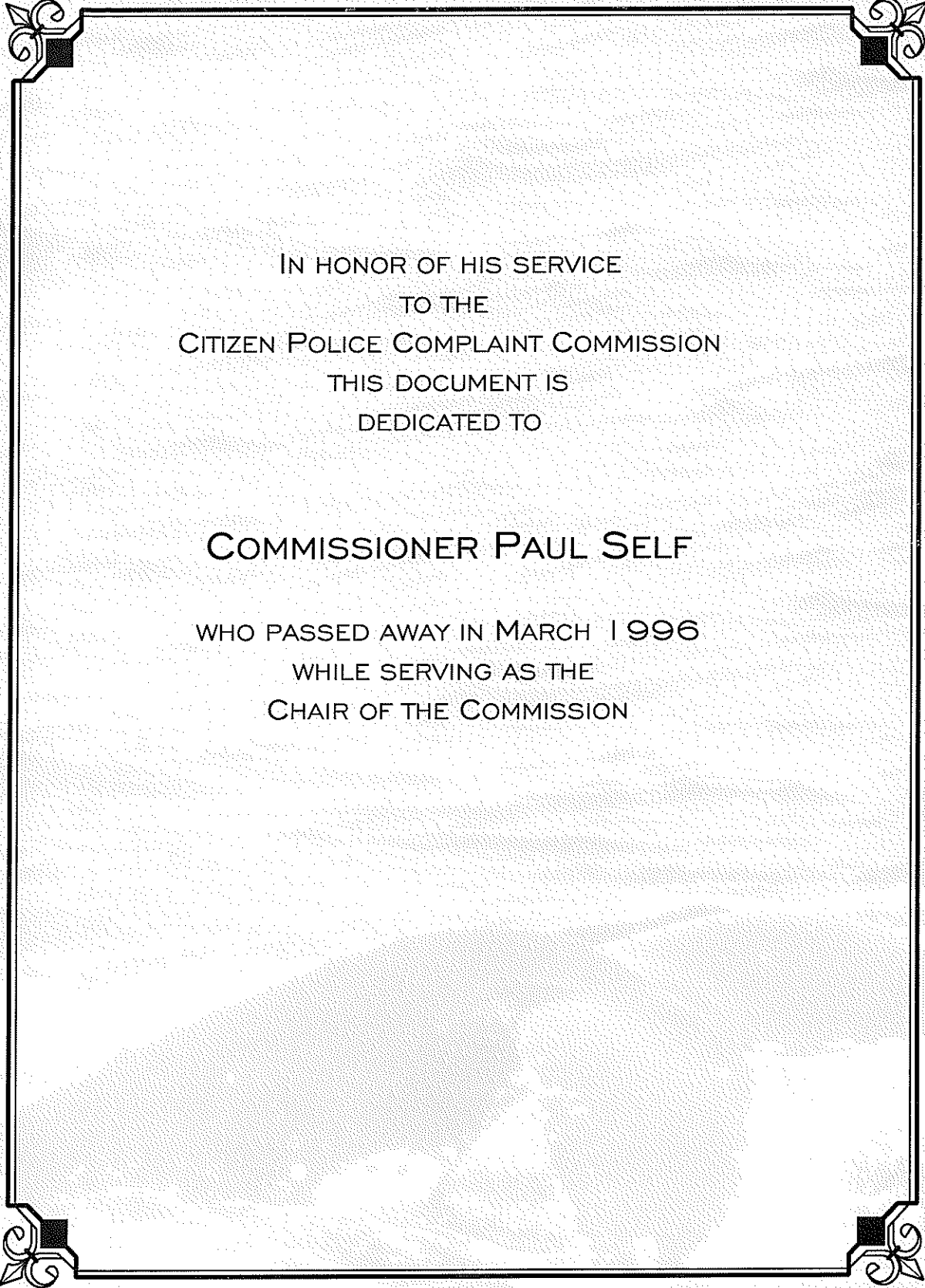
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IN HONOR OF HIS SERVICE  
TO THE  
CITIZEN POLICE COMPLAINT COMMISSION  
THIS DOCUMENT IS  
DEDICATED TO

COMMISSIONER PAUL SELF

WHO PASSED AWAY IN MARCH 1996  
WHILE SERVING AS THE  
CHAIR OF THE COMMISSION

## **HISTORICAL PERSPECTIVE**

The Citizen Police Complaint Commission was created by City Charter Amendment by adding Sections 1150 - 1155 and was approved by the voters of the City of Long Beach on April 10, 1990. The Charter Amendment authorized the Commission "to receive, administer and investigate allegations of police misconduct with emphasis on complaints of Excessive Force, False Arrest, and complaints of Racial and/or Sexual overtones".

The Citizen Police Complaint Commission is empowered to conduct hearings and through the City Attorney's Office, may subpoena witnesses and records when necessary to facilitate the fact-finding process. The Commission is a fact-finding body and makes findings and recommendations which are submitted to the City Manager for review and final adjudication.

In August 1990, the City Council nominated and the Mayor appointed the eleven Commissioners, and on September 5, 1990, they were sworn in at their first official meeting. After intensive orientation and training, they began their mission of investigating allegations of police misconduct filed against Long Beach Police Officers.

The Commission's primary role is that of fact-finder; it is neither an advocate for the Complainant nor for the Police Officer. The Commission's obligation is to ensure that professional police conduct is maintained at all times.

The investigative process is directed toward the review of police actions. Although the Commission Investigator may conduct investigations independent from the Police Department, such investigations are only necessary when the Police Department has failed to conduct a thorough comprehensive investigation. If a review and analysis of the Police Department investigation proves to be deficient, then an independent Commission investigation is commenced by CPCC Staff. This has not been a significant problem and excellent cooperation from the Department has been experienced.

## THE EVOLUTION OF THE COMMISSION

The Citizen Police Complaint Commission system and process of investigating complaints is not a perfect one. The manner in which complaints are received and investigated is very cumbersome and fragmented.

With the creation of CPCC, some citizens envisioned that comprehensive investigations would be conducted by independent Investigators hired by the Commission. However, the Charter amendment never provided a budget or funding sources for the Staff and did not empower Staff Investigators to demand documents or compel testimony from Police Officers or City employees.

The City Manager has financed the Executive Director position and Staff support out of his budget to provide needed services to the Commission.

The arduous process of receiving, reviewing, investigating and completing personnel investigations hampers and impedes swift and pristine investigations. From the time a complaint is received until the final disposition by the City Manager the process can take as long as one year.

Finding witnesses, interviewing Officers, examining evidence and documents is time-consuming and absorbing. Once the Internal Affairs investigation has been completed and reviewed by appropriate Command Officers, the investigation is forwarded to CPCC for review and, in some cases, additional investigation. This process **at best** takes two months in the Police Department and 4 to 6 weeks to process through CPCC staff review and submission to the Commission at their monthly meeting.

CPCC Staff must read, investigate, synthesize, package and mail the completed reports to Commission Members at least one week prior to the monthly meeting. On occasion, Commissioners will return the report for additional investigation.

Despite the impediments and obstacles, this Commission has effectively performed its duties and carried out its responsibilities in yeoman fashion.

In the first five years of this Commission's existence, the Commission has established itself as a competent, sincere and no-nonsense body of citizens of the highest integrity.

The Commission has earned the confidence of the elected Officials, City Administration, Police Department and most important, the Citizens of Long Beach.

## 1995 REVIEW

In 1995 the Commission showed signs of maturity and focused purpose.

In 1991, the first full year of Commission operation, only complaints that were submitted directly to Commission Staff were the subject of review and/or investigation. It soon became apparent that because of lack of community awareness and newness of the process for filing personnel complaints against Police personnel, few complaints were filed with and recorded by Commission Staff.

In 1992, Commission Staff started reviewing complaints also filed with the Police Department. The complaints reviewed by Staff immediately increased from approximately 8 per month or approximately 24 per month, a 300% increase. 70 to 75% of police complaints are filed originally through the Police Department. This percentage has held true over the past five years.

It does appear that crime continues to decrease, and complaints against Police Officers also show a decline. However, with the sanction of the Commission, Staff has exercised prudent discretion in reviewing all complaints against Police Officers. Complaints without any foundation on their face and complaints which are of an administrative proclivity are forwarded to the Police Chief for his internal process.

Based on the manner in which the Police Department processes complaints and their method of classifying complaints, there is no precise accuracy in making comparisons of complaints by the two entities.

The more accurate comparison is to look at the yearly statistics of CPCC; however, even that process has some degree of inconsistency built in because of human involvement and judgment. The process is not an exact science and yearly totals and statistics should not be used as criteria to evaluate police behavior.

The more important factor is the objective process used by Commission Members and Staff to establish the facts as lucidly as possible and apply appropriate responses and judgment to verify proper or improper police conduct.

## **CITIZEN POLICE COMPLAINT COMMISSION**

### **1995 STATISTICAL SUMMARY**

In the Commission's first full year of operation (1992), they received 278 complaints. In 1993, that number dropped to 241.

In 1994, due to a policy implemented to accept and investigate **all** complaints, including some invalid on their face and some service-related, the number of complaints received dramatically rose to 381, for an almost 60% increase.

In 1995, complaints received leveled at the 241 mark once again, a 37% decrease.

The policy established in the past two years, as it relates to the receipt of complaints, seems most suited to ensure accuracy and comparable measurements from year to year and will be continued.

During 1995, the Commission received 585 allegations of police misconduct. Of that number, 124 allegations (21%) were classified as non-misconduct or "inferior service" complaints. These complaints were received and filed.

### **CATEGORIES OF MISCONDUCT ALLEGATIONS**

Of the 585 allegations filed, 461 were scrutinized for complete investigations by the Police Department and CPCC Staff. Approximately 80% of allegations filed were considered valid on their face and warranted a comprehensive investigation.

The allegations were categorized as follows:

- Improper Use of Force constituted 31.3% of allegations filed.
- Unprofessional Conduct constituted 29.2% of allegations filed
- Neglect of Duty constituted 17.4% of allegations filed
- Improper Conduct and Offensive Remarks accounted for 19.6% of allegations filed.

## FINDINGS

The findings on the allegations investigated fall into the following categories:

- Thirty-nine or 6.7% were classified SUSTAINED
- Two hundred ninety-six or 51% were classified as INCONCLUSIVE
- Six or 1% were classified as EXONERATED
- One hundred and eighteen or 20.2% were classified as UNFOUNDED

## SUSTAINED ALLEGATIONS

The percentages of sustained complaints fluctuated over the years. In 1992, 2.7% of allegations were sustained. In 1993, the figure rose to 13% and in 1994, it rose even higher to 19%. In the year 1995, sustained allegations dropped back down to 6.6%

In 1995, of the allegations sustained, 19 or 49% were Neglect of Duty allegations. 4 or 10% of the allegations were sustained for Improper Use of Force. Offensive Language/Profanity constituted 7 or 18%.

## USE OF FORCE

In 1992, 42% of all complaints filed were for the Improper Use of Force. That percentage dipped to 23% in 1993, rose slightly to 26% in 1994, and rose somewhat significantly in 1995 to 31.3%.

## DEMOGRAPHICS

Although the great majority of complaints, approximately 65 to 70%, were filed through the Police Department, a significant number are still being received by Commission Staff, most of them from detainees in custody in the City jail facility. African-Americans, who constitute approximately 14% of the City population, continue to file more than 40% of complaints against Police Officers. 47% of the

complaints filed in 1991 were by African-Americans. That percentage decreased to 35% in 1992, 36% in 1993, 38% in 1994, and rose to 43% in 1995.

Caucasians filed 29%, 20% were filed by Latinos.

## TRENDS

The statistics for 1995 did not indicate any dramatic change in the trend lines as they relate to race or ethnicity of complainants or type of allegations filed by Complainants.

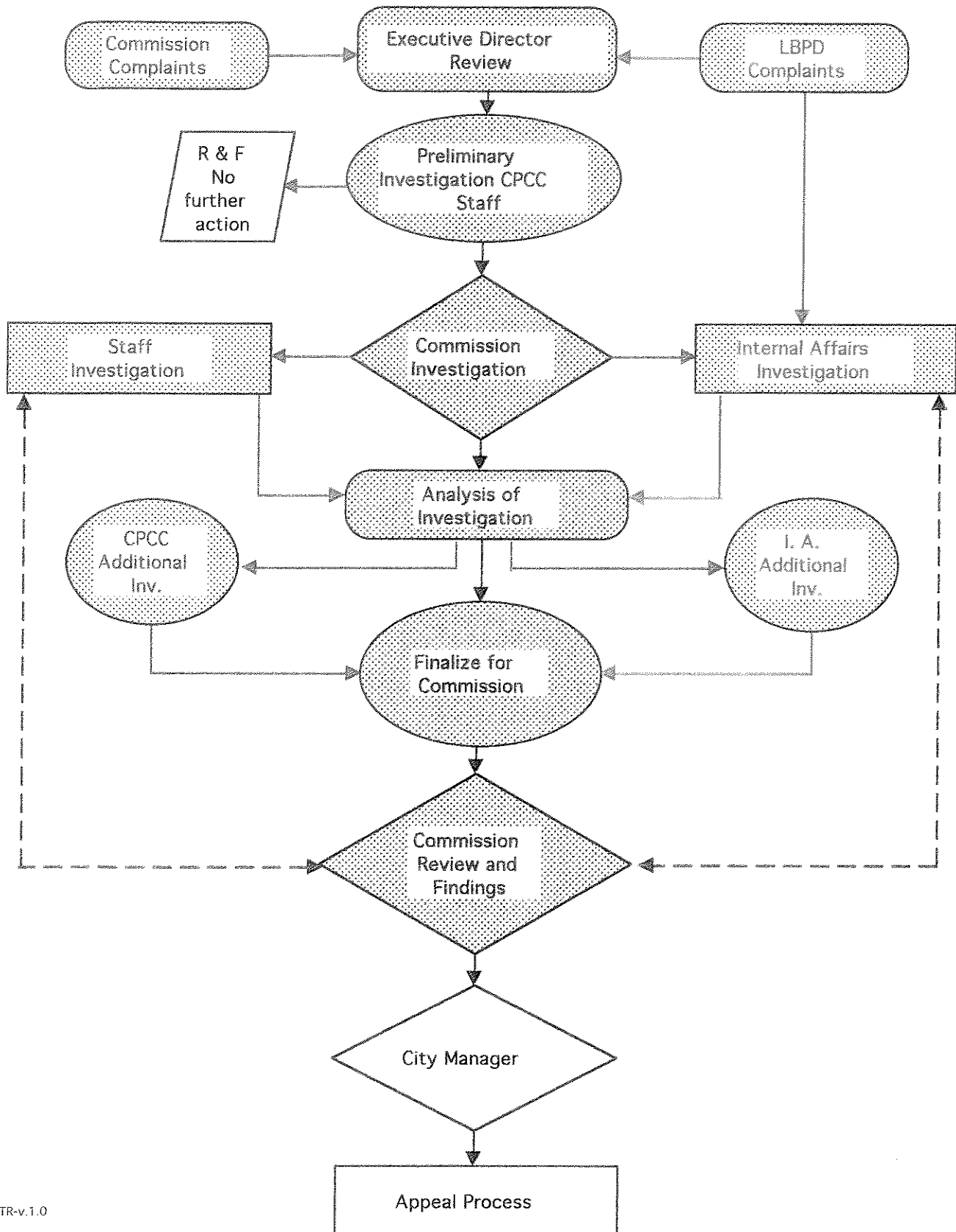
Although Improper Use of Force allegations do show a rise in 1995 from 1994, they are still below the 42% recorded in 1992.

Major areas of concern focus on complaints alleging Officers failing to properly investigate; failing to take reports; failing to care for property; failing to take appropriate action, and offensive language and the use of profanity.

The Chief of Police has been advised of the observations of the Commissioners regarding these types of complaints and has restructured the Early Warning Monitoring System to define trends or patterns that Officers may be developing, which could lead to errant behavior.



City of Long Beach  
Citizen Police Complaint Commission  
Complaint and Investigation Process



# CPCC FINDINGS

## UNFOUNDED

When the allegation clearly has no basis or foundation in fact and there is no information or evidence that supports the allegation, and/or the Complainant has been found to be untruthful based on factual information.

## EXONERATED

When the act complained of did occur and under normal conditions would be considered misconduct; however, mitigating circumstances in the judgement of the Commission make the act appropriate and proper.

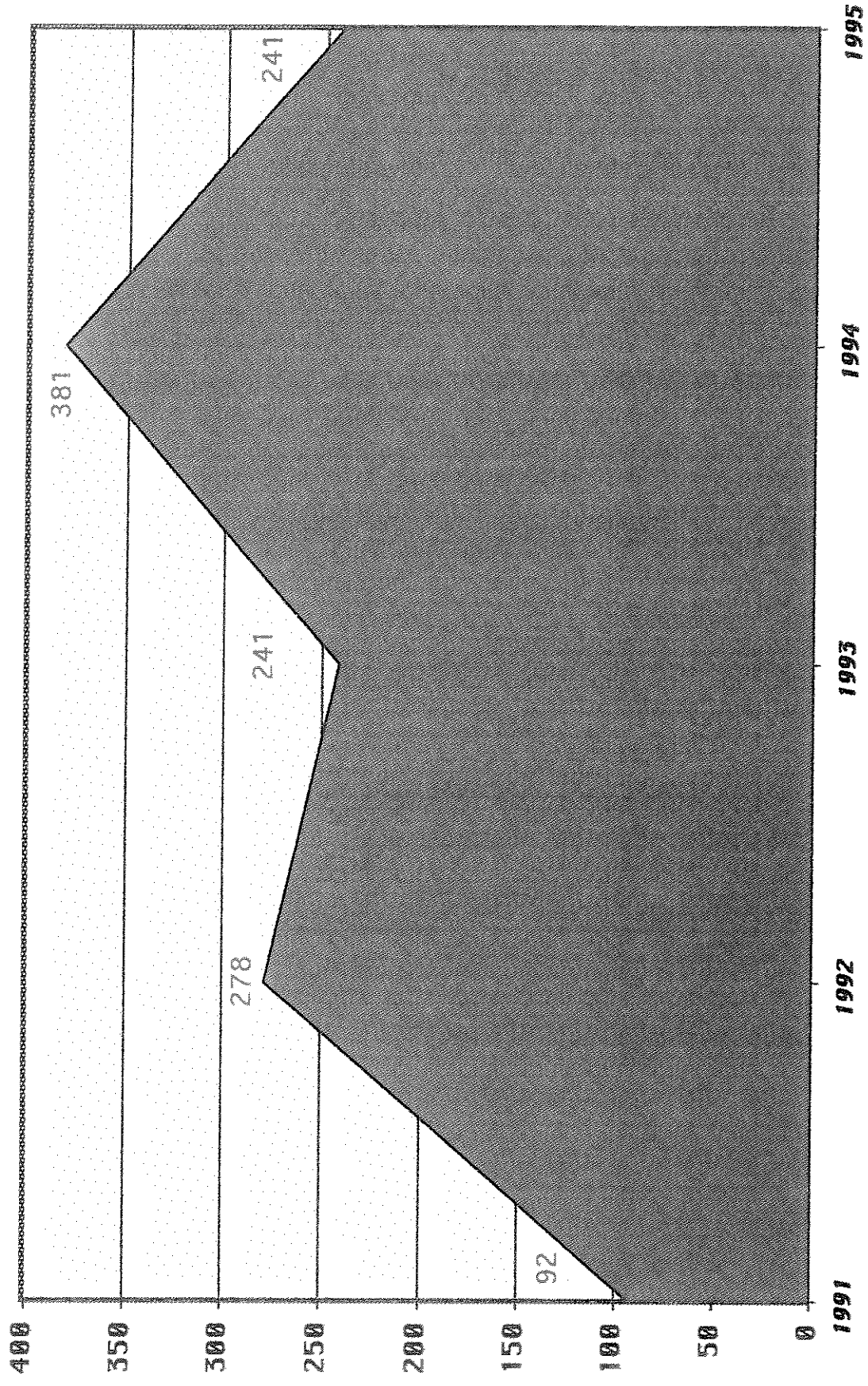
## INCONCLUSIVE (formerly NOT SUSTAINED)

When the allegations cannot be verified by evidence, information or independent witnesses and the officers deny the allegation, and there are no independent witnesses to support the officer's statements.

## SUSTAINED

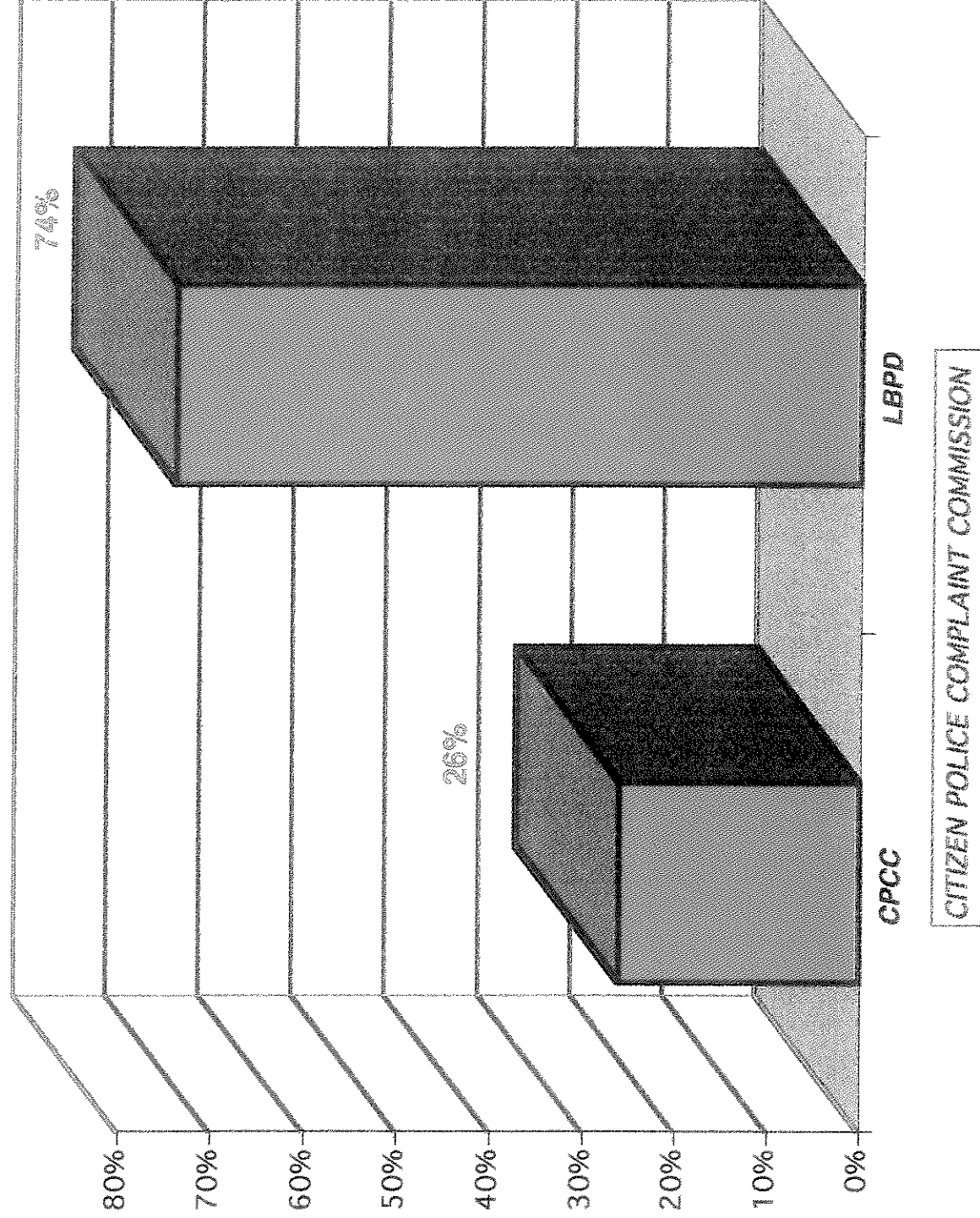
When the act or failure to act is established and is misconduct, and that act or failure to act is supported by evidence, information or independent witnesses.

# POLICE PERSONNEL COMPLAINTS 1991 - 1995

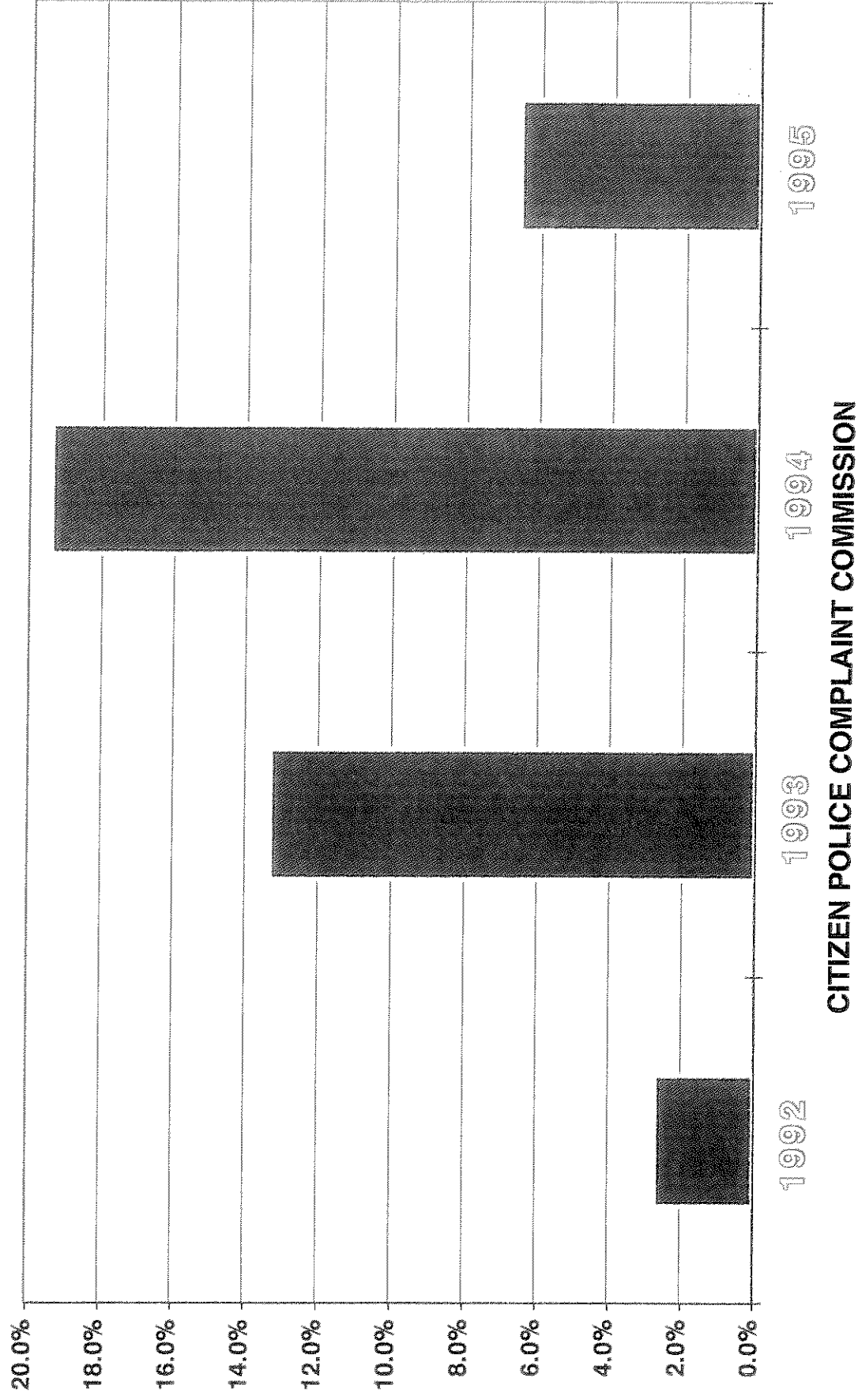


CITIZEN POLICE COMPLAINT COMMISSION

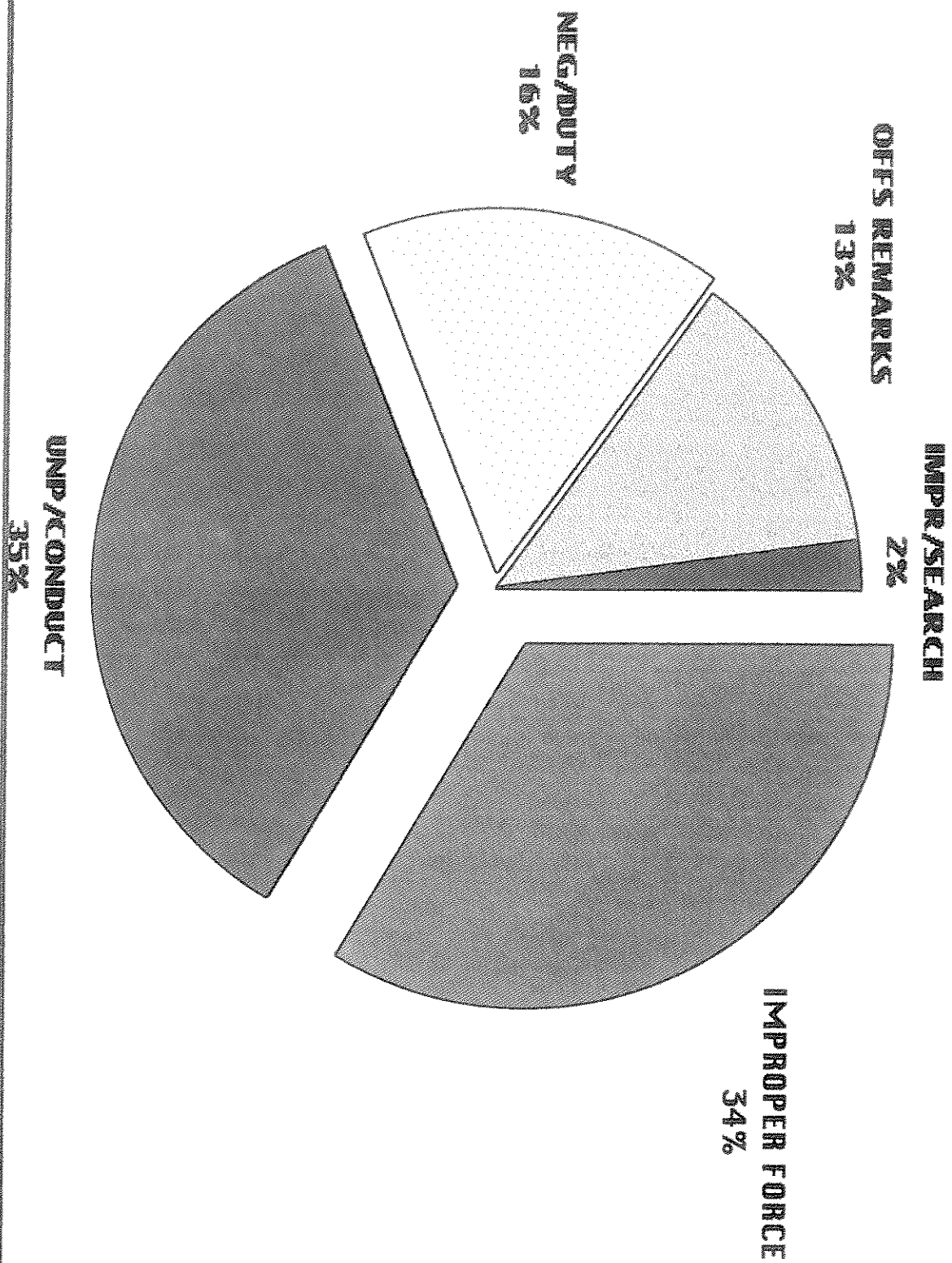
# COMPLAINTS RECEIVED 1995



**PERCENTAGE OF SUSTAINED COMPLAINTS 1992-95**

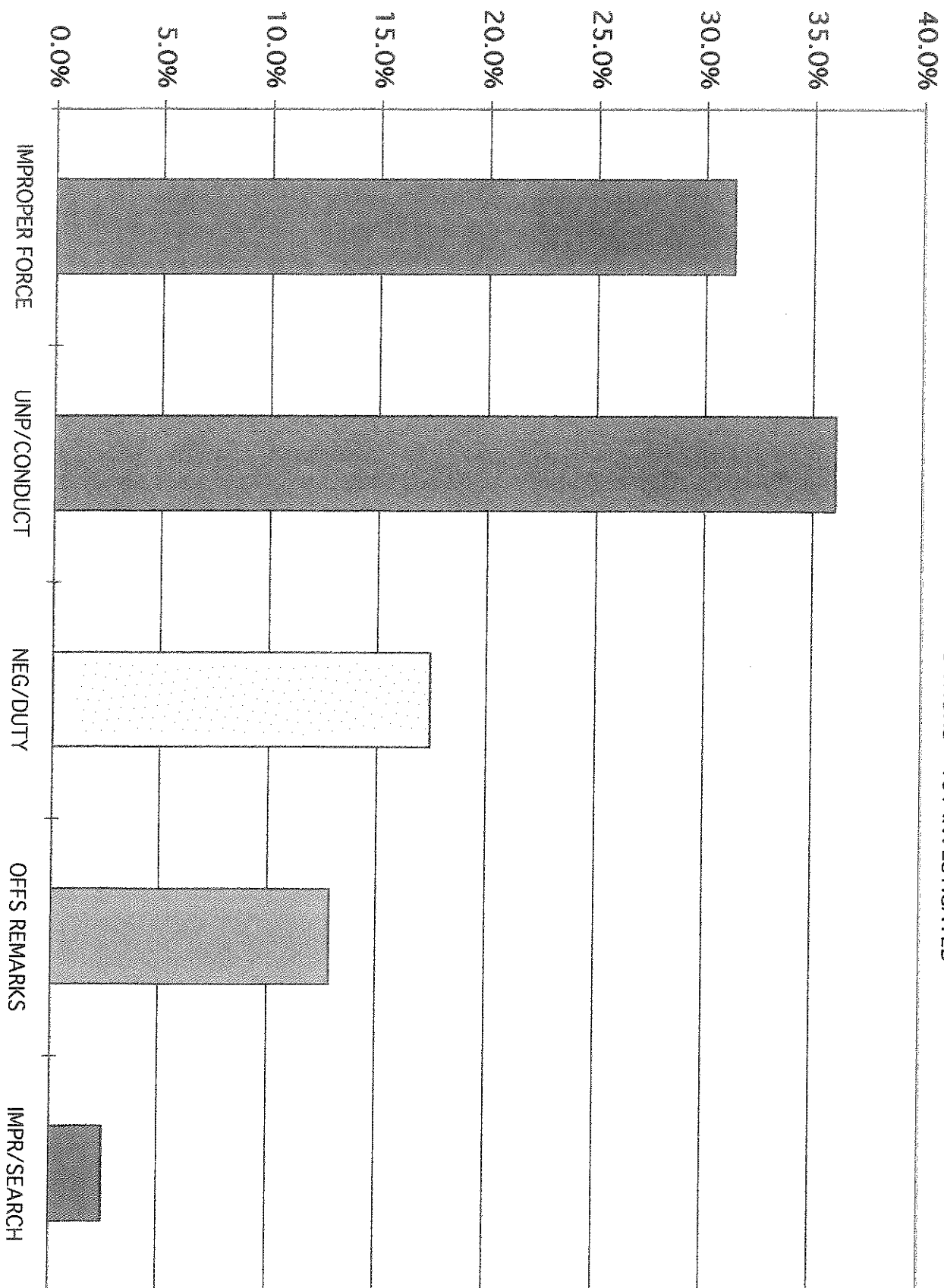


**ALLEGATIONS INVESTIGATED (461)  
1995**



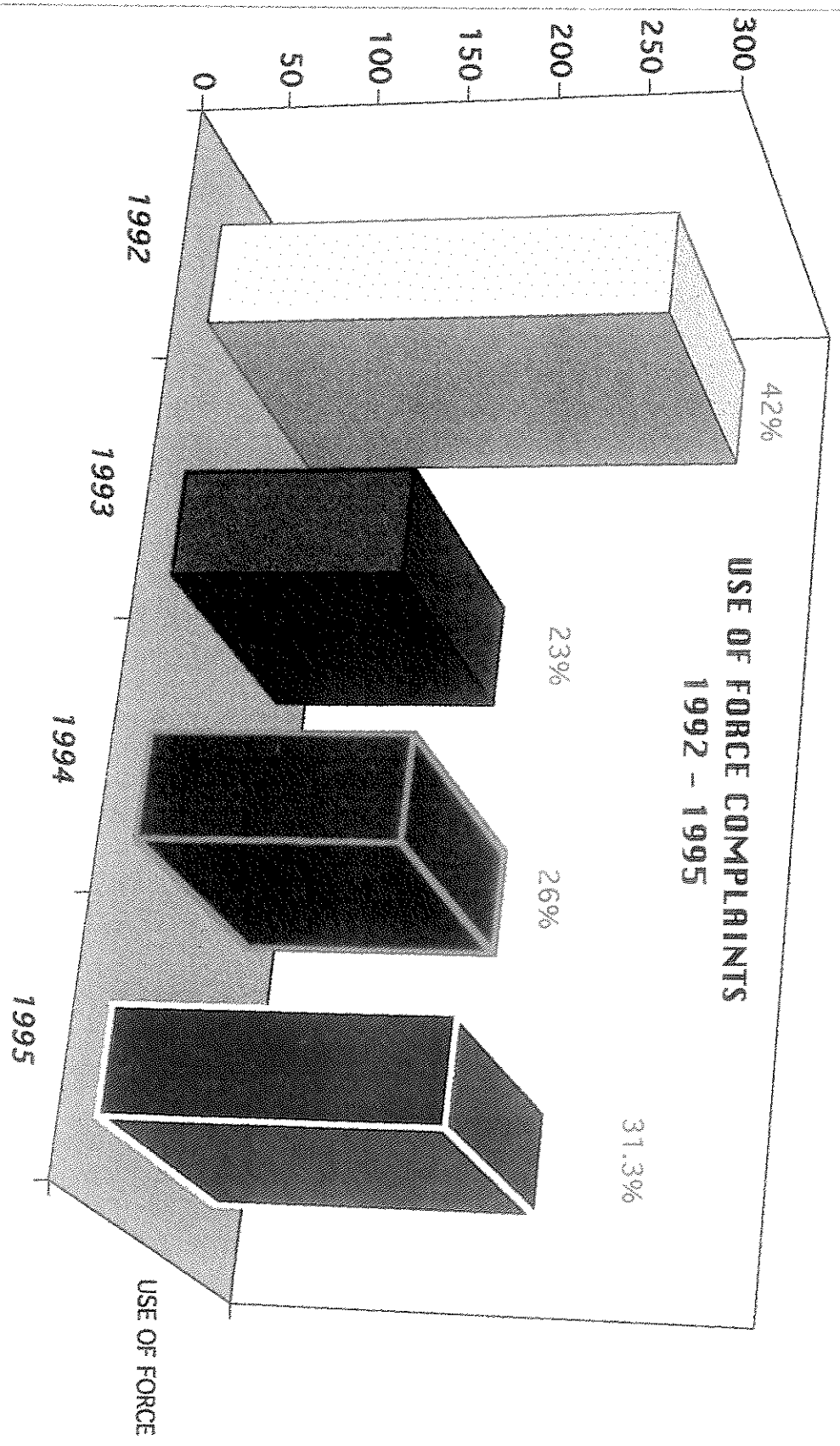
# ALLEGATIONS OF MISCONDUCT FILED

TOTAL ALLEGATIONS FILED (585)  
124 NON-MISCONDUCT ALLEGATIONS - 461 INVESTIGATED



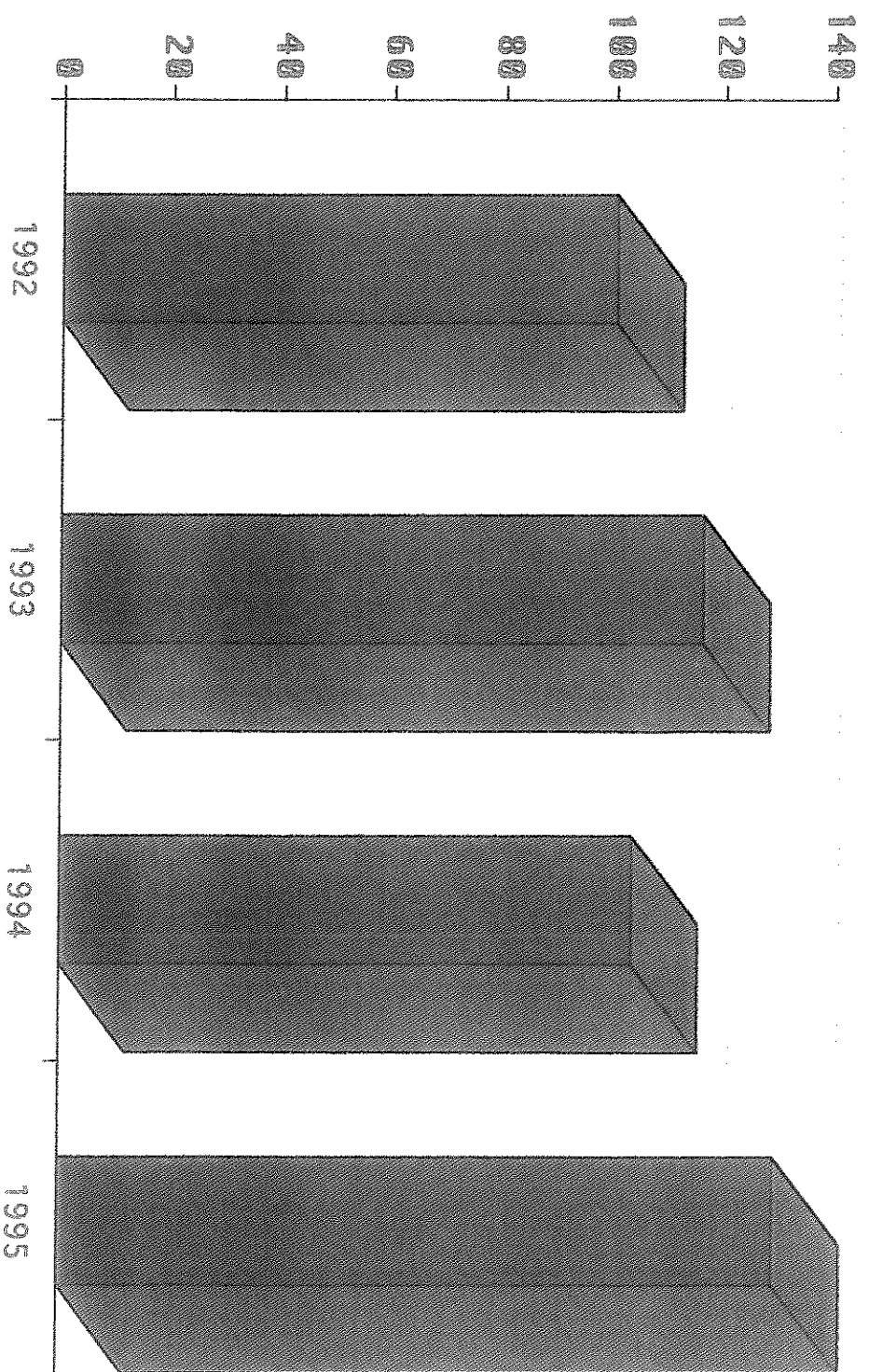


CITIZEN COMPLAINT COMMISSION



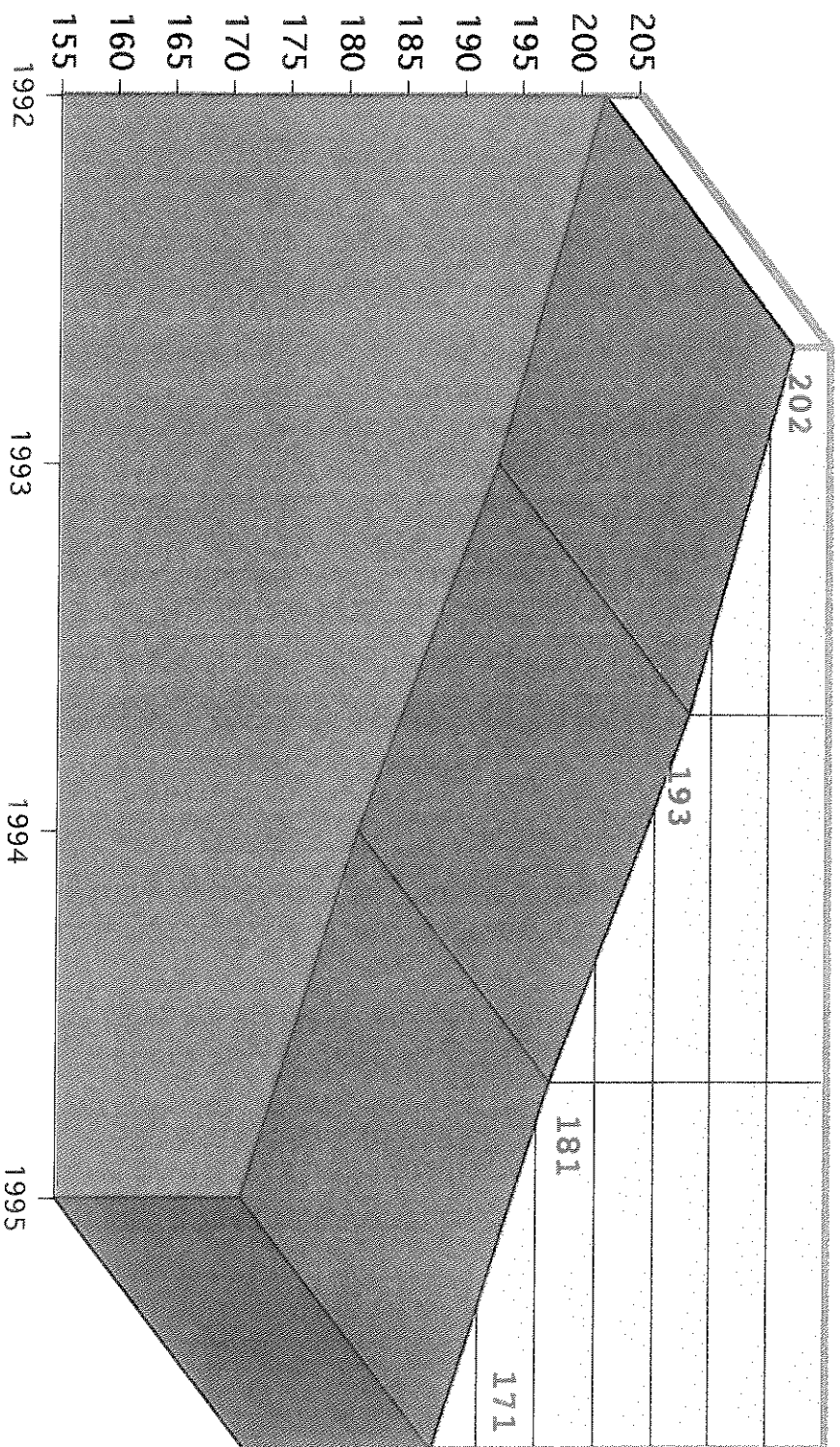


# IMPROPER CONDUCT COMPLAINTS 1992 - 1995



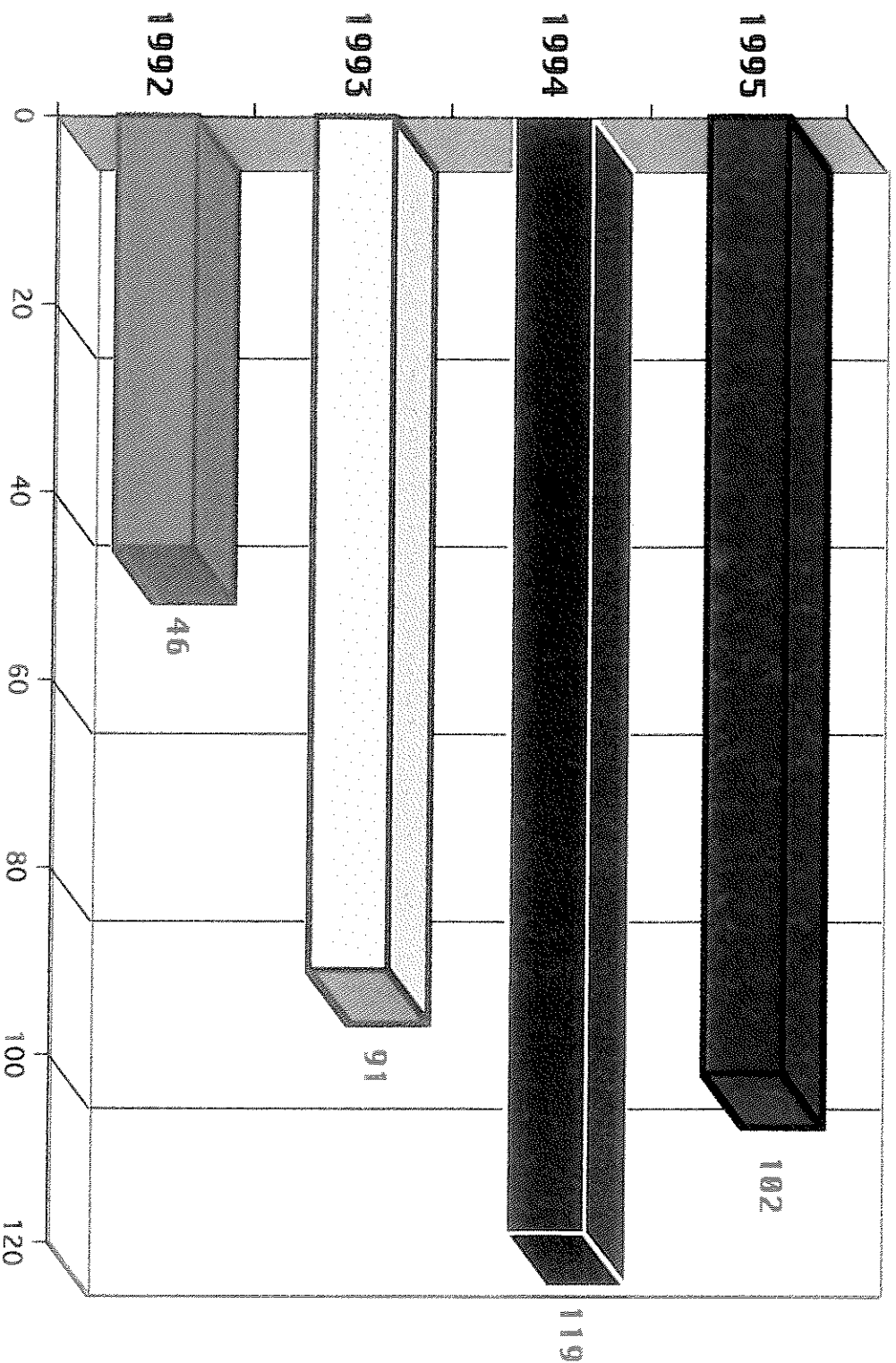
CITIZEN POLICE COMPLAIN COMMISSION

# UNPROFESSIONAL CONDUCT COMPLAINTS 1992 - 1995



CITIZEN POLICE COMPLAINT COMMISSION

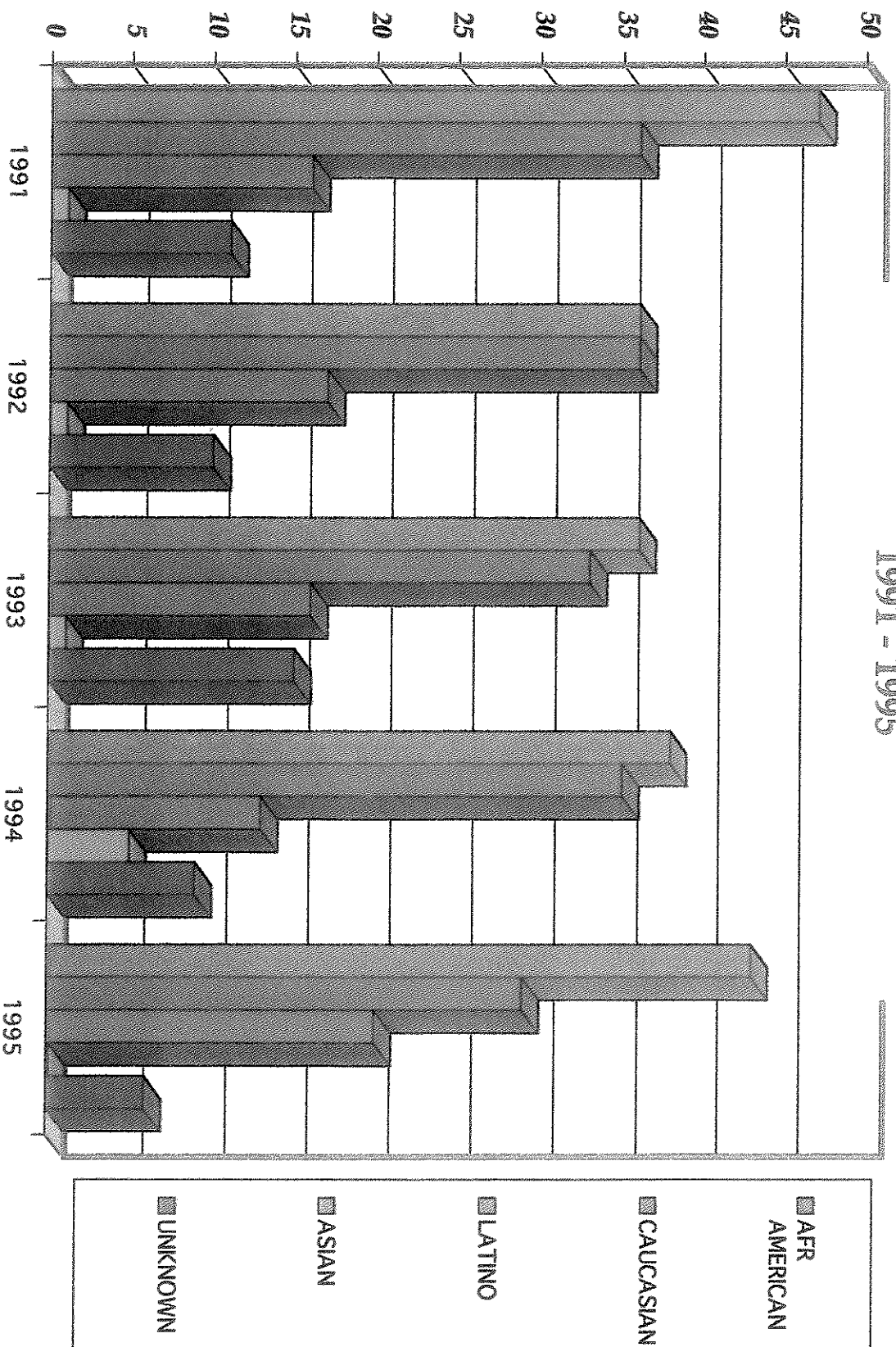
## NEGLECT OF DUTY



CITIZEN POLICE COMPLAINT COMMISSION

# COMPLAINTS FILED ( BY RACE ) PERCENT OF TOTAL ALLEGATIONS

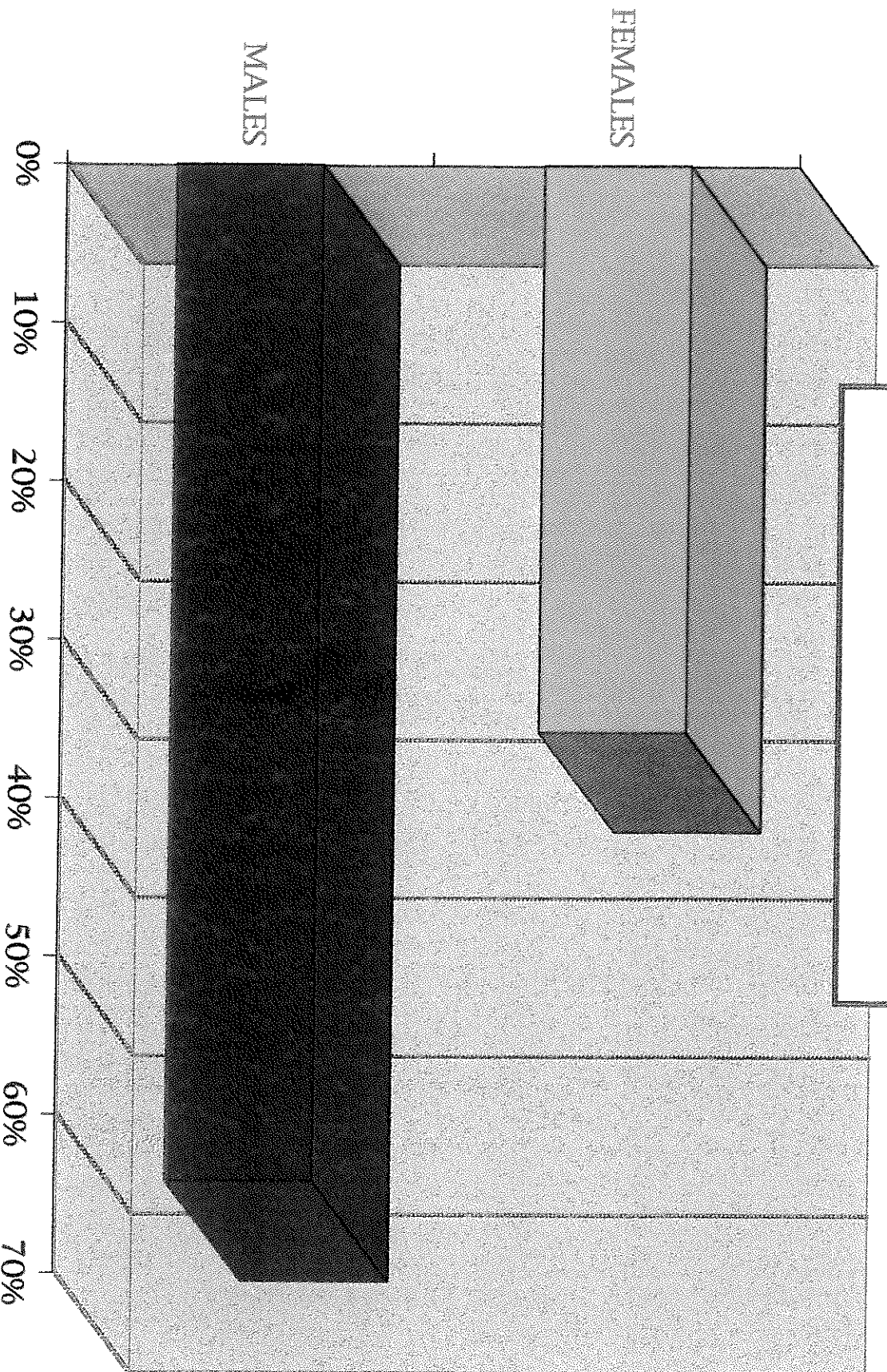
1991 - 1995



CITIZEN POLICE COMPLAINT COMMISSION



COMPLAINTS FILED BY GENDER  
IN 1995 COMPLAINTS RECEIVED 241



CITIZEN POLICE COMPLAINT COMMISSION

<p align="center"><b>Citizen-Police Complaint Commission</b>  <b>City of Long Beach, California</b></p>
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### Allegations By Category -- Summary

Ad Hoc Date Range    01/01/95 Thru 12/31/95

Improper Conduct			40	6.8%
Inconclusive	7	17.5%		
Received and Filed	11	27.5%		
Sustained	2	5.0%		
Unfounded	20	50.0%		
Improper Remark			75	12.8%
Exonerated	2	2.7%		
Inconclusive	51	68.0%		
Received and Filed	17	22.7%		
Sustained	2	2.7%		
Unfounded	3	4.0%		
Improper Search			14	2.4%
Inconclusive	5	35.7%		
Received and Filed	4	28.6%		
Unfounded	5	35.7%		
Improper Use of Force			183	31.3%
Exonerated	1	0.5%		
Inconclusive	109	59.6%		
Received and Filed	27	14.8%		
Sustained	4	2.2%		
Unfounded	42	23.0%		
Neglect of Duty			102	17.4%
Exonerated	2	2.0%		
Inconclusive	31	30.4%		
Received and Filed	27	26.5%		
Sustained	19	18.6%		
Unfounded	23	22.5%		

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**Unprofessional Conduct****171 29.2%**

Exonerated	1	0.6%
Inconclusive	95	55.6%
Received and Filed	38	22.2%
Sustained	12	7.0%
Unfounded	25	14.6%

<b>Total Allegations</b>
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<b>585</b>
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<h1 style="text-align: center;">Citizen-Police Complaint Commission</h1> <h2 style="text-align: center;">City of Long Beach, California</h2>
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### Findings By Type -- Summary

Ad Hoc Date Range

01/01/95 Thru 12/31/95

Exonerated	6	1.0%		
Excessive Force			1	16.7%
Failure to Care for Property			1	16.7%
Failure to Take Action			1	16.7%
Harassment			2	33.3%
Profanity			1	16.7%
Inconclusive	298	50.9%		
Discourtesy/Rudeness			13	4.4%
Excessive Force			47	15.8%
Failure to Care for Property			13	4.4%
Failure to Take Action			17	5.7%
Failure to Take Report			1	0.3%
Harassment			24	8.1%
Improper Racial Remark			18	6.0%
Improper Search / Personal			3	1.0%
Improper Search / Residence			2	0.7%
Improper Sexual Remark			9	3.0%
Intimidation			5	1.7%
Offensive Language			24	8.1%
Profanity			21	7.0%
Provocation			4	1.3%
Theft of Property			15	5.0%
Threat			13	4.4%
Unnecessary Force			62	20.8%
Wrongful Arrest			4	1.3%
Wrongful Entry			3	1.0%



# Citizen-Police Complaint Commission

## City of Long Beach, California

### Findings By Type -- Summary

Ad Hoc Date Range

01/01/95 Thru 12/31/95

Received and Filed	124	21.2%
Discourtesy/Rudeness	13	10.5%
Excessive Force	20	16.1%
Failure to Care for Property	4	3.2%
Failure to Properly Investigate	1	0.8%
Failure to Take Action	19	15.3%
Failure to Take Report	3	2.4%
Harassment	14	11.3%
Improper Racial Remark	3	2.4%
Improper Search / Personal	3	2.4%
Improper Search / Vehicle	1	0.8%
Intimidation	2	1.6%
Offensive Language	6	4.8%
Profanity	2	1.6%
Provocation	4	3.2%
Theft of Property	5	4.0%
Threat	3	2.4%
Unnecessary Force	7	5.6%
Untruthfulness	3	2.4%
Wrongful Arrest	8	6.5%
Wrongful Detention	3	2.4%

# Citizen-Police Complaint Commission

## City of Long Beach, California

### Findings By Type -- Summary

Ad Hoc Date Range

01/01/95 Thru 12/31/95

Sustained	39	6.7%		
Discourtesy/Rudeness	2	5.1%		
Excessive Force	2	5.1%		
Failure to Care for Property	3	7.7%		
Failure to Properly Investigate	5	12.8%		
Failure to Take Action	6	15.4%		
Failure to Take Report	5	12.8%		
Harassment	1	2.6%		
Improper Sexual Remark	1	2.6%		
Intimidation	2	5.1%		
Offensive Language	4	10.3%		
Profanity	3	7.7%		
Threat	1	2.6%		
Unnecessary Force	2	5.1%		
Wrongful Arrest	1	2.6%		
Wrongful Entry	1	2.6%		

# Citizen-Police Complaint Commission City of Long Beach, California

## Findings By Type -- Summary

Ad Hoc Date Range

01/01/95 Thru 12/31/95

Unfounded	118	20.2%
Discourtesy/Rudeness	12	10.2%
Excessive Force	16	13.6%
Failure to Book Evidence	1	0.8%
Failure to Care for Property	6	5.1%
Failure to Properly Investigate	2	1.7%
Failure to Take Action	12	10.2%
Failure to Take Report	2	1.7%
Harassment	1	0.8%
Improper Racial Remark	1	0.8%
Improper Search / Personal	3	2.5%
Improper Search / Residence	1	0.8%
Improper Search / Vehicle	1	0.8%
Improper Sexual Remark	1	0.8%
Offensive Language	3	2.5%
Profanity	3	2.5%
Theft of Property	6	5.1%
Threat	1	0.8%
Unnecessary Force	26	22.0%
Wrongful Arrest	4	3.4%
Wrongful Detention	5	4.2%
Wrongful Entry	11	9.3%

Total Findings

585

**NEWSWATCH****Estimated Ethnic Composition, By Long Beach City Council District (As of April 1996)**

Council District	1996 Est White	1996 Est White %	1996 Est Black	1996 Est Black %	1996 Est Indian	1996 Est Indian %	1996 Est Asian	1996 Est Asian %	1996 Est Hispanic	1996 Est Hispanic %	Total
District 1	6,650	12.31%	7,330	13.57%	259	0.48%	7,055	13.06%	32,726	60.58%	54,019
District 2	19,778	45.81%	6,572	15.22%	326	0.76%	4,254	9.85%	10,785	24.98%	41,715
District 3	35,349	82.41%	1,082	2.52%	189	0.44%	2,580	6.01%	3,694	8.61%	42,893
District 4	24,212	48.80%	5,843	11.78%	342	0.69%	7,827	15.78%	11,389	22.96%	49,613
District 5	34,344	80.01%	715	1.67%	248	0.58%	2,935	6.84%	4,684	10.91%	42,926
District 6	3,167	6.25%	14,027	27.70%	135	0.27%	13,841	27.33%	19,473	38.45%	50,642
District 7	9,984	21.62%	7,636	16.53%	149	0.32%	13,610	29.47%	14,807	32.06%	46,187
District 8	20,925	44.48%	7,374	15.68%	302	0.64%	7,208	15.32%	11,231	23.88%	47,039
District 9	13,664	26.91%	12,798	25.21%	373	0.73%	7,457	14.69%	16,481	32.46%	50,772
City 1996 Est	168,925	39.54%	63,706	14.91%	2,343	0.55%	66,767	15.63%	125,415	29.35%	425,806
City 1990	212,755	49.50%	56,805	13.20%	3,220*	0.70%	55,234	12.90%	101,419	23.60%	429,433
% Change	-20.60%		+12.15%		-27.24%		+20.88%		+23.66%		-0.84%

Source: City of Long Beach Planning Department \*Includes persons classified as "Others."